

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY MARCH 22, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1760**

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**Introduced by Assembly Member Blumenfield**

February 8, 2010

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An act to add and repeal Article 6.5 (commencing with Section 217) of Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as amended, Blumenfield. Design-sequencing contracts.

Until January 1, 2010, the Department of Transportation was authorized to conduct a pilot project to let design-sequencing contracts, as defined, for design and construction of not more than 12 transportation projects. These provisions are now repealed.

This bill would reenact similar provisions, authorizing the department to let design-sequencing contracts for the design and construction of *not more than 5* transportation projects, to be effective until January 1, ~~2016~~ 2014. The bill would require the department to ~~prepare a status report~~ *compile data on the transportation projects pursuant to the design-sequencing contracts awarded under these provisions and to include that data in an attachment to specified reports* to the Legislature each year during which ~~design-sequencing contracts~~ *the projects* are underway, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The design-sequencing pilot program was established by previous state legislation and administered by the Department of Transportation. The first and second phases of the program authorized a total of 24 design-sequencing projects and had a sunset date of January 1, 2010. A report will be submitted to the Legislature that will describe and evaluate the outcome of the completed projects. Current design-sequencing indicators have provided generally good assessments of the program.

(b) Federal stimulus funds for transportation often require projects to be awarded under time constraints.

(c) It is the intent of the Legislature, therefore, to provide the Department of Transportation with a project delivery tool that has the potential to increase efficiency, reduce costs incurred by the state, and help California take advantage of federal funds.

(d) It is the intent of the Legislature that the Department of Transportation be provided with interim authority to establish design-sequencing contracts. Because current evaluations of the pilot program show positive outcomes in time savings, the interim authority will allow design-sequencing to be used as a valuable tool on appropriately selected projects. This will help the state utilize federal funds as they become available pending conclusions of the pilot program's final report scheduled for completion in 2015.

SEC. 2. Article 6.5 (commencing with Section 217) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

#### Article 6.5. Design-Sequencing Program

217. The following definitions apply for the purposes of this article:

(a) "Design" is a plan completed to a level of 30 percent.

(b) "Design-sequencing" is a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead

1 of requiring design for the entire project to be completed before  
2 commencing construction.

3 (c) A “design-sequencing contract” is a contract between the  
4 department and a contractor in which the department is the  
5 responsible agency for the performance of design and that permits  
6 construction of a project to commence upon completion of design  
7 for a construction phase.

8 217.1. (a) Notwithstanding Section 10120 of the Public  
9 Contract Code, the department, at the director’s discretion, may  
10 let design-sequencing contracts for the design and construction of  
11 *not more than five* transportation projects, to be selected based on  
12 criteria established by the director. For the purpose of this article,  
13 these projects shall be deemed public works.

14 (b) The department may use employees or consultants for  
15 contracts authorized in this article, consistent with Article XXII  
16 of the California Constitution. Department resources, including  
17 personnel requirements, necessary for the performance of those  
18 services shall be included in the department’s capital outlay support  
19 program for workload purposes in the annual Budget Act.

20 (c) To the extent available, the department shall seek to  
21 incorporate existing knowledge and experience on  
22 design-sequencing contracts in carrying out its responsibilities  
23 under subdivision (a).

24 (d) Not later than July 1 of each year during which  
25 ~~design-sequencing contracts are underway, the department shall~~  
26 ~~prepare a status report on its contracting methods, procedures,~~  
27 ~~costs, and delivery schedules. The status report shall be submitted~~  
28 *projects pursuant to design-sequencing contracts awarded under*  
29 *this article are underway, the department shall, for each of those*  
30 *projects, compile data, including the stage of completion, district,*  
31 *cost, description, status, estimated time to complete the project,*  
32 *and, as appropriate, actual time to complete the project, to be*  
33 *included as an attachment to any annual status reporting*  
34 *performed by the department, pursuant to Section 3 of Chapter*  
35 *795 of the Statutes of 2004, on design-sequencing projects awarded*  
36 *prior to January 1, 2011. The reports and attachments described*  
37 *in this subdivision shall be submitted to the Legislature pursuant*  
38 *to Section 9795 of the Government Code.*

1 217.2. Design-sequencing contracts under the program, as  
2 described in Section 217.1, shall be awarded in accordance with  
3 both of the following:

4 (a) The department shall advertise design-sequencing projects  
5 by special public notice to contractors.

6 (b) Contractors shall be required to provide prequalification  
7 information establishing appropriate licensure and successful past  
8 experience with the proposed work.

9 217.3. *The department may utilize design-sequencing authority*  
10 *only on projects that are deemed to have a high probability of*  
11 *success as determined by the “Design-Sequencing Project Selection*  
12 *Criteria” contained in the “Design-Sequencing Nomination Fact*  
13 *Sheet” developed by the department. For the purposes of this*  
14 *section, “high probability” means there is a likelihood that a time*  
15 *savings will be realized, construction costs will be reduced, or*  
16 *available state or federal funds will be captured by utilizing*  
17 *design-sequencing.*

18 ~~217.3.~~

19 217.4. This article shall remain in effect only until January 1,  
20 ~~2016~~ 2014, and as of that date is repealed, unless a later enacted  
21 statute, that is enacted before January 1, ~~2016~~ 2014, deletes or  
22 extends that date.